

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID SETH WORMAN, ANTHONY LINDEN,
JASON WILLIAM SAWYER, NICHOLAS
ANDREW FELD, PAUL NELSON
CHAMBERLAIN, GUN OWNERS' ACTION
LEAGUE, INC., ON TARGET TRAINING, INC.,
AND OVERWATCH OUTPOST,

Plaintiffs,

v.

CHARLES D. BAKER, in his official capacity as Governor of the Commonwealth of Massachusetts; MAURA HEALEY, in her official capacity as Attorney General of the Commonwealth of Massachusetts; DANIEL BENNETT, in his official capacity as the Secretary of the Executive Office of Public Safety and Security; COLONEL RICHARD D. McKEON, in his official capacity as Superintendent of the Massachusetts State Police; and MASSACHUSETTS STATE POLICE,

Defendants.

CIVIL ACTION
NO. 17-10107-WGY

MOTION TO ENLARGE TIME TO RESPOND TO COMPLAINT
(Assented to)

Pursuant to Fed. R. Civ. P. 6(b), the defendants hereby move for a four-week enlargement of time to answer or otherwise move in response to plaintiffs' Complaint to, and including, March 16, 2017. The plaintiffs, by their counsel, assent to the allowance of this motion.

In further support of their motion the defendants state:

1. The plaintiffs filed their complaint on January 23, 2017. See Docket No. 1. The summonses and complaint were served on the defendants on January 25 and 26. Docket Nos. 11-15. At present, a responsive pleading is due February 16.

2. The complaint contains 102 paragraphs and is 33 pages long.

3. The complaint seeks to challenge the Massachusetts assault weapons law, Mass. Gen. Laws c. 140, §§ 121, 131M, as construed by the Attorney General in a public advisory she issued on July 20, 2016, titled: “Enforcement Notice: Prohibited Assault Weapons.” The plaintiffs allege that the law, as construed in the Notice: (1) violates the Second Amendment, (2) retroactively criminalizes conduct that was permissible under state law, and (3) is impermissibly vague in violation of due process. The plaintiffs seek declaratory and injunctive relief.

4. For several reasons, the defendants need additional time to prepare their responsive pleading. The complaint names, in their official capacities, the Governor, the Attorney General, the Secretary of Public Safety, and the Colonel of the Massachusetts State Police. Undersigned counsel need time to meet with representatives of each of these public officials to discuss in detail the allegations of the complaint and the plaintiffs’ claims.

5. In addition, the complaint seeks to raise three separate claims under the Second Amendment and Due Process Clause of the Fourteenth Amendment. The undersigned counsel need adequate time to examine the claims in depth, prepare a responsive pleading, and permit time for review and comment by each state defendant official.

6. In addition, undersigned counsel (Porter) will be out of the office on a previously scheduled vacation from February 25 through March 7.

WHEREFORE, the defendants respectfully request that the time within which they must answer or move in response to the complaint be enlarged to, and including, March 16, 2017.

Respectfully submitted,

MAURA HEALEY
ATTORNEY GENERAL

/s/ William W. Porter
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Date: February 10, 2017

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

I certify that, on February 8, 2017, I conferred by e-mail with James Campbell, counsel for the plaintiffs, who informed me that plaintiffs assent to the allowance of this motion.

/s/ William W. Porter
William W. Porter
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that this document, filed through the Court's ECF, system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants by first-class mail on February 10, 2017.

/s/ William W. Porter